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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In Re COMPLAINT OF PACIFIC BUILT,)
INC. as owner of the Vessel LARC 5B for) Case No.: 3:18-cv-00367-MMD-WGC
exoneration from or limitation of liability,)
Plaintiff,)
JOINT STIPULATION AND
ORDER TO STAY
LIMITATION ACTION AND TO LIFT
MONITION

Claimant Andrew Morghen ("Claimant") and Plaintiff Pacific Built, Inc. ("Pacific Built"), by and through their undersigned counsel, hereby file the following joint stipulation regarding the above entitled case (hereafter the "Limitation Action") and Claimant's State Court Action, *Andrew Morghen v. Richard Warf; Pacific Built, Inc., et*

1 *al.*, CV18-01650 (Washoe County Second Judicial District Court, Filed August 10, 2018)
2 (hereafter "State Court Action").

3 Provided that this Court lifts its Monition in this Limitation Action of August 14,
4 2018 (Docket No. 9) and stays this Limitation Action to permit Claimant to proceed
5 against Pacific Built in the State Court Action, Claimant and Pacific Built stipulate and
6 agree as follows:

7 1. That Pacific Built has the right to litigate the issue of whether it is entitled
8 to limit its liability under the provisions of the Limitation of Liability Act, 46 U.S.C. §
9 30505 *et seq.*, in this Court, and that this Court has exclusive jurisdiction to determine
10 this issue.

11 2. That Pacific Built has the right to have this Court determine the value of
12 the limitation fund and the combined value of the vessel LARC 5B and its cargo, and that
13 this Court has exclusive jurisdiction to determine these issues.

14 3. That Claimant will not seek a determination of the issues set forth in
15 paragraphs (1) and (2) above in any state court or any forum other than this Court, and
16 consents to waive the right to claim *res judicata* based on any judgment rendered against
17 Pacific Built outside this Limitation Action.
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20 DATED this 5TH day of December, 2018.

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23 Mark Wenzel, Esq.
24 Nevada State Bar No. 5820
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Nicholas J. Neidzwski, Esq.
Admitted *Pro Hac Vice*

Attorneys for Claimant Andrew Morghen

DATED this 5th day of December, 2018.



Andrew B. Downs, Esq.
Nevada Bar No. 8052

Attorney for Plaintiff Pacific Built, Inc.

ORDER

Pursuant to the foregoing Joint Stipulation, IT IS SO ORDERED that the above entitled case, *In Re COMPLAINT OF PACIFIC BUILT, INC.*, Case No. 3:18-cv-00367-MMD-WGC ("Limitation Action"), is stayed and the Monition in this Limitation Action of August 14, 2018 (Docket No. 9) is lifted. The Limitation Action will remain stayed until one party requests otherwise.

Dated: December 10, 2018



UNITED STATES MAGISTRATE JUDGE